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Chairman: Mr. Wolfe ..... (Jamaica)

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The meeting was called to order at 3.35 p.m.

Agenda item 66: Promotion and protection of the rights of children (*continued*) (A/62/297)

(a) Promotion and protection of the rights of children (*continued*) (A/C.3/62/L.23/Rev.1 and A/C.3/62/L.24/Rev.1)

Draft resolution A/C.3/62/L.23/Rev.1: The girl child

1. **Ms. Chisanga-Kondolo** (Zambia), introducing the draft resolution on behalf of the Southern African Development Community, made a number of oral revisions to the text. In the first line of preambular paragraph 4, the words "the fact that" should be deleted; in the second line the word "is" should be replaced by "being". Current preambular paragraph 9 should be deleted and replaced by "Welcoming the study on violence against children by the Independent Expert of the United Nations Secretary-General and the study of the Secretary-General on violence against women, and takes note of the recommendations contained therein,". In the third line of preambular paragraph 10 the words "recognizing also" should be replaced by "recognizes that". In the second line of preambular paragraph 11, the word "encountering" should be replaced by "encounter" and the word "reaffirming" should be replaced by "reaffirms". In the first line of preambular paragraph 12 the word "essential" should be replaced by "key" and, in line 3, the words "and further recognizing" should be inserted following "human rights". In line 3 of preambular paragraph 13 the words "and in girls" should be inserted following "health care" and, in line 6, the words "in their" should be deleted. In line 2 of preambular paragraph 20 the word "on" should be replaced by "to take place from".

2. In line 2 of paragraph 12 the words "in the areas of" should be deleted. At the end of operative paragraph 14 the words "of the Secretary-General in his in-depth study on violence against women and of the independent expert for the United Nations study on violence against children" should be deleted and replaced by "and the study on violence against women and the study on violence against children". In lines 4 to 5 of paragraph 17, the words "and children" should be deleted. In line 4 of paragraph 18, the word "the" should be deleted before "views" and, in line 5, the word "have" should be deleted. In the third line of paragraph 19, the word "further" should be inserted before "urges"; in the eighth line the word "and" should be inserted following "assistance"; and, in the last line, the word "and" following "demobilization" should be deleted. In line 1 of paragraph 21, the word "Also" should be deleted and the word "further" inserted following "deplores"; in line 7 the word "those" should be inserted before "delays of". In the third line of paragraph 26, the words "carried out on a" should be deleted and, in line 6, the word "and" should be replaced by "including". In the fourth line of paragraph 29, the words "and for" should be inserted following "female genital mutilation" and the words "to develop and provide" should be replaced by "developing and providing". In line 3 of paragraph 30 the word "allocating" should be replaced by "allocation" and the words "in order" should be inserted following "resources". Lastly, in the second line of paragraph 32, the word "including" should be inserted following "present resolution".

3. She said that whereas previous resolutions had adopted a mainly rights-based approach to the issue of the well-being of the girl child, the current text not only underscored the importance of the elimination of discrimination and violence against the girl child but also incorporated development-related issues in recognition of the link between such issues and human rights. The text stressed the importance of international cooperation in the areas of education, health and poverty reduction in order to promote children's rights and contribute to the realization of international development goals, including the Millennium Development Goals.

4. The delegations of Algeria, Armenia, Azerbaijan, Croatia, Egypt, Japan, Moldova, Mongolia, New Zealand, the Philippines, Poland, Serbia, Suriname, the former Yugoslav Republic of Macedonia and Uganda had become sponsors of the draft resolution. She hoped that the draft resolution would be adopted by consensus.

5. **The Chairman** noted that the delegations of Australia, Bangladesh, Belarus, Belize, Bhutan, Bosnia and Herzegovina, Burkina Faso, China, Cyprus, Eritrea, Ethiopia, Kazakhstan, Kyrgyzstan, Iceland, Iraq, Israel, Jamaica, Lebanon, Liberia, Liechtenstein, Malta, Montenegro, Tunisia, Turkey and Ukraine had also become sponsors of the draft resolution.

6. *Draft resolution A/C.3/62/L.23/Rev.1, as orally revised, was adopted.*

7. **Mr. Rees** (United States of America) said that although his delegation had joined the consensus on the draft resolution, with regard to the sixth preambular paragraph, his delegation understood that references to the Beijing Declaration and Platform for Action and their five and ten-year reviews did not create any rights and in particular did not create or recognize a right to abortion, nor could they be interpreted as constituting support for or endorsement or promotion of abortion. With regard to the twelfth preambular paragraph and paragraphs 7 and 18, his delegation understood that there was an international consensus that the term "sexual and reproductive health" did not include abortion or constitute support for or endorsement or promotion of abortion or the use of abortifacients.

8. His delegation could accept the wording of paragraph 1 but would have preferred that it should refer to "human rights law" rather than to "human rights instruments" because the latter term was not restricted to legally binding documents. Lastly, with regard to paragraph 6, he noted that the characterization of the right to education was unfortunately not consistent with the articulation of that right in the Universal Declaration of Human Rights and international human rights law.

9. **Mr. Emadi** (Islamic Republic of Iran) said that while his delegation had joined the consensus on the draft resolution, the text raised many issues that were open to interpretation. He underscored that his delegation did not consider itself bound by the provisions of instruments to which it was not a party and reaffirmed the sovereign right of Member States to choose which international instruments they wished to accede to.

Draft resolution A/C.3/62/L.24/Rev.1: Rights of the child

10. **Ms. Carvalho** (Portugal), speaking on behalf of the European Union, the Group of Latin American and Caribbean States (GRULAC) and the sponsors of the draft resolution, expressed surprise at the oral statement in connection with the draft resolution which had been read out by the Secretary of the Committee on behalf of the Secretary-General prior to the adoption of draft resolution A/C.3/62/L.24/Rev.1. The text of paragraph 58, as agreed by all Member States, was clear in establishing a mandate for a new special representative of the Secretary-General on violence against children, who should be supported by and should cooperate with the United Nations Children's Fund (UNICEF), the Office of the United Nations High Commissioner for Human Rights (OHCHR), the World Health Organization (WHO) and the International Labour Organization (ILO).

11. She did not understand why the Secretary-General had seen fit to make his own interpretation of the paragraph. The European Union fully supported the work of UNICEF but believed that Member States had not, in paragraph 54, mandated UNICEF to be the entity with primary responsibility for follow-up activities relating to the United Nations study on violence against children. The European Union understood that that process involved not only UNICEF but also WHO, OHCHR and ILO, who should support and coordinate with the special representative. It further understood that henceforth the special representative of the Secretary-General on violence against children would have the primary responsibility for the follow-up activities relating to the United Nations study on violence against children.

12. **The Chairman** said he took it that the Committee wished to take note of the report of the Secretary-General on the girl child contained in document A/62/297.

13. *It was so decided.*

(b) Follow-up to the outcome of the special session on children (*continued*) (A/62/259)

14. **The Chairman** said he took it that the Committee wished to take note of the report of the Secretary-General on follow-up to the special session of the General Assembly on children contained in document A/62/259.

15. *It was so decided.*

16. **The Chairman** said the Committee had thus concluded its consideration of agenda item 66.

Agenda item 70: Promotion and protection of human rights (*continued*) (A/62/36)

17. **The Chairman** suggested that the Committee should take note of the report of the United Nations High Commissioner for Human Rights (A/62/36).

18. *It was so decided.*

(a) Implementation of human rights instruments (*continued*) (A/62.180, 189, 224, 273 and 299)

19. **The Chairman** suggested that, in accordance with General Assembly decision 55/488, the Committee should take note of the report of the Secretary-General on the status of the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery (A/62/180), the report of the Secretary-General on the United Nations Voluntary Fund for Victims of Torture (A/62/189), the report of the Secretary-General on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (A/62/273), the report of the Secretary-General on the protection of migrants (A/62/299) and the note by the Secretary-General submitting the report of the chairpersons of the human rights treaty bodies on their nineteenth meeting (A/62/224).

20. *It was so decided.*

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/62/183, 207, 212, 214, 218, 265, 287 and A/62/304; A/C.3/62/L.40/Rev.1, L.44, L.49 and L.91)

Draft resolution A/C.3/62/L.40/Rev.1: Protection of migrants

21. **Mr. Khane** (Secretary of the Committee), referring to his oral statement in connection with draft resolution A/C.3/62/L.40, noted that paragraph 16 of that draft resolution requested the Secretary-General to provide the necessary resources for the Committee on Migrant Workers to meet for two weeks in spring and for one week in autumn. Paragraph 18 of the revised text requested the Secretary-General to provide the necessary resources for that Committee to meet for two separate sessions in 2008, the first session to be of two consecutive weeks' duration and the second session to be of one week's duration. Although the language in the two texts was slightly different, there was no change in the resources required. His previous statement therefore remained valid, and the revised text likewise contained no additional programme budget implications.

22. **Mr. Heller** (Mexico) introduced the draft resolution, which underscored the obligation of Member States to protect the rights of migrant workers and to ensure that legislation relating to the fight against terrorism or international organized crime, including human trafficking, did not have a negative effect on the rights of migrant workers. The text also condemned all forms of racism, discrimination, xenophobia or intolerance against migrant workers. He said that the delegations of Bangladesh, Burkina Faso, the Congo, the Democratic Republic of the Congo, Eritrea, Ethiopia, Indonesia, Mali and the Sudan had become sponsors and called on the Committee to adopt the draft resolution by consensus.

23. **The Chairman** announced that the delegations of Belarus, Comoros, Gambia, Ghana, Lebanon, Malawi, Namibia, Niger, St. Vincent and the Grenadines, Tajikistan and Turkey had become sponsors of the draft resolution.

24. *Draft resolution A/C.3/62/L.40/Rev.1 was adopted.*

25. **Mr. Rees** (United States of America) said that his delegation had joined the consensus on the draft resolution but regretted that during negotiations a number of proposed revisions had not been reflected in the texts distributed to delegations for consideration. In addition, as late as the previous evening, revisions had been introduced without adequate opportunity for discussion or negotiation. Accordingly, he wished to make it clear that his delegation understood the eighth preambular paragraph to be recalling the obligations of States to provide consular notification pursuant to article 36 of the Vienna Convention on Consular Relations. Turning to paragraph 10, he said that his delegation noted that repatriation mechanisms must be consistent not only with international obligations but also with domestic legislation. Lastly, with regard to paragraph 19, which had been added after the conclusion of negotiations, his delegation was confident that the Secretary-General would give strong consideration only to those parts of the report of the Special Rapporteur of the Human Rights Council on the human rights of migrants which addressed the human rights of migrants and not other policy issues.

26. He regretted the omission of a proposed paragraph reaffirming the sovereign right of States to enforce national migration legislation and control migration to their territory in a manner consistent with their obligations under international law as well as the obligation of all States to respect the rights of migrants to return to their country of citizenship and of all States to accept the return of their nationals. Such provisions

were not controversial; States had the sovereign right to determine who could enter their territory and under what conditions and likewise had the important responsibility of protecting the human rights of migrants in their territory and of accepting the return of their nationals.

27. His delegation placed great store in legal, orderly and humane migration and believed that effective management of migration would allow States as well as individual migrants to reap the benefits of migration and reduce its challenges. All Member States of the Organization should work to promote sound migration policies, including policies that protected the human rights of migrants. An important element in the protection of the rights of migrants was reduction of their vulnerability when travelling to or residing in destination countries in an irregular manner. States therefore had an obligation to work to reduce illegal migration and to accept the return of their nationals found to be residing illegally in another country.

28. As a nation of immigrants, the United States welcomed legal immigrants and properly documented temporary visitors, including workers and students, and was committed to protecting the human rights of migrants within its borders. More than 1 million American citizens currently lived outside the United States and were urged to observe all local laws. Citizens of other countries who came to the United States should do the same, beginning with United States immigration laws.

Draft resolution A/C.3/62/L.44: Subregional Centre for Human Rights and Democracy in Central Africa

29. **The Chairman** drew the Committee's attention to the statement on the programme budget implications of the draft resolution as contained in document A/C.3/62/L.91.

30. **Ms. Nduku** (Democratic Republic of the Congo), speaking on behalf of the Economic Community of Central African States (ECCAS), said that the Subregional Centre for Human Rights and Democracy in Central Africa played a key role in promoting human rights and democracy in the region by providing training on those issues and supporting related national institutions. It strengthened cooperation with international efforts and instruments in that regard and worked to prevent conflict and promote peace, stability and sustainable development. She noted that the delegations of Angola, Belgium, Botswana, Cape Verde, Djibouti, Egypt, Equatorial Guinea, France, India, Portugal and Tanzania had become sponsors of the draft resolution, which she hoped would be adopted by consensus.

31. **The Chairman** said that the delegations of Austria, Bangladesh, Comoros, Costa Rica, El Salvador, Guinea, Lebanon, Lesotho, Mauritania, the Niger, Nigeria, Spain and Sri Lanka had also become sponsors of the draft resolution.

32. **Mr. Rees** (United States of America), speaking in explanation of vote before the voting, said that his delegation supported the work of the Subregional Centre for Human Rights and Democracy in Central Africa. However, it drew attention to the need to establish funding priorities because the United Nations budget was finite. His delegation had joined the consensus on the understanding that the additional expenditures required under sections 23 and 35 of the proposed programme budget for the biennium 2008-2009 would be provided within the existing resources of the Office of the United Nations High Commissioner for Human Rights (OHCHR).

33. *Draft resolution A/C.3/62/L.44, as orally revised, was adopted.*

34. **Mr. Amorós Núñez** (Cuba) said that his delegation had supported the resolution because of the importance of providing the Centre with additional resources. However, it was of the view that the provisions of the resolution applied exclusively to those countries involved in the activities undertaken by the Centre.

35. **Mr. Ashiki** (Japan) said that his delegation welcomed the adoption of the resolution and supported the work of the Centre. However, it was regrettable that there had been programme-budget implications because General Assembly resolution 61/158 had not been fully reflected in the proposed programme budget for 2008-2009. The programme-budget implications should be discussed in the Fifth Committee, taking into account the view expressed by the Advisory Committee on Administrative and Budgetary Questions (ACABQ) that the budget of the Office of the United Nations High Commissioner for Human Rights did not allow for the full implementation of General Assembly resolution 61/158. His delegation requested that the Secretary-General and the United Nations High Commissioner for Human Rights should consider the

priorities of activities, including those of the Centre, when preparing the programme budget for 2010-2011 and should allocate sufficient resources to implement them.

36. **Mr. Chungong Ayafor** (Cameroon) said that the importance of the Centre's work in promoting and protecting human rights could not be overemphasized. The adoption of the resolution by consensus reflected approval of the Centre's new three-year strategy and would contribute to ensuring full implementation of General Assembly resolution 61/158. The resolution also acknowledged the work of the leaders of the subregion in promoting a culture of democracy and respect for human rights.

Draft resolution A/C.3/62/L.49: The right to development

37. **Mr. Khane** (Secretary of the Committee) said that, should the draft resolution be adopted by the General Assembly, additional requirements of $47,000 would be required to implement the terms of paragraphs 1 and 39 with respect to travel costs for two experts and one staff member to undertake two technical missions of five days each ($36,600) and the travel of the Chairperson of the Working Group to present a verbal update to the Assembly ($10,400). It was proposed that the estimated additional resources should be met within the resources proposed under section 23 on human rights for the biennium 2008-2009.

38. With regard to paragraph 3, the Secretary-General's report (A/61/530/Add.3) stated that actions under Human Rights Council resolution 4/4 would give rise to additional requirements of $74,300 in respect of the two additional working days of the high-level task force sessions each year, including $63,300 under section 2, $8,200 under section 23 and $2,800 under section 28E of the proposed programme budget for the biennium 2008-2009. In paragraph 14 of that report, the General Assembly was requested to note that the additional requirements of $74,300 would be subject to the provisions of General Assembly resolutions 41/213 and 42/211. In resolution 61/273, the Assembly endorsed the conclusions and recommendations contained in the report of ACABQ (A/61/917) wherein the Advisory Committee, in paragraph 8, recommended that the Assembly should take note of the fact that the additional requirements would be considered when the Assembly took up the proposed 2008-2009 programme budget and the related contingency fund.

39. A review of the absorptive capacity of sections 2, 23 and 28E would be undertaken in respect of the additional requirements of $74,300 and would be reported in the consolidated statement of programme-budget implications and revised estimates which would be submitted for the approval of the General Assembly under the guidelines for the contingency fund contained in the annex to General Assembly resolution 42/211. With regard to paragraphs 2 and 6, provisions had been made in the proposed programme budget for the biennium 2008-2009 for their implementation.

40. **Mr. Amorós Núñez** (Cuba) introducing draft resolution A/C.3/62/L.49, said that it was important to make progress towards considering the right to development to represent a universal and fundamental human right in accordance with the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights in 1993. In addition, it was necessary to give consideration to the establishment of an international legally binding instrument on the right to development. The Movement regretted that it had not been possible to reflect the concerns of all delegations in the draft resolution.

41. Three revisions had been made to the original text: in the seventh preambular paragraph, the word "reduction" had been replaced by "eradication". The phrase "to implement the agreement" had been added to the end of paragraph 4. Paragraph 32 had been replaced by the following sentence: "*Emphasizes* its commitment to indigenous peoples in the process of realization of the right to development, and also stresses the commitment to ensure their rights in areas of education, employment, vocational training and retraining, housing, sanitation, health and social security recognized in international human rights obligations and highlighted in the United Nations Declaration on the Rights of Indigenous Peoples as adopted by the General Assembly in its resolution 61/295."

42. **The Chairman** announced that Grenada had become a sponsor of the draft resolution.

43. **Mr. Rees** (United States of America), speaking in explanation of vote before the voting, said that his delegation opposed the resolution and had made its position clear. It understood the term "right to development" to mean that each individual should enjoy the right to develop his or her intellectual or other capabilities to the maximum extent possible

through the exercise of the full range of civil and political rights. As in previous years, his delegation objected to any discussion of a possible legally binding instrument on the right to development. It did not believe that the draft resolution would contribute to the United States' long-standing commitment to international development and to helping nations achieve sustainable economic growth. It therefore urged delegations to vote against the draft resolution.

44. **Ms. Carvalho** (Portugal), speaking on behalf of the European Union; the candidate countries Croatia, the former Yugoslav Republic of Macedonia and Turkey; the stabilization and association process countries Albania, Bosnia and Herzegovina, Montenegro and Serbia; and, in addition, Georgia, Liechtenstein and Norway, said that the European Union would continue to play an active role in the implementation of the right to development through the establishment of voluntary partnerships, support of programmes and engagement in dialogue at the national and international levels. The European Union stressed that it was the primary responsibility of States to create conditions for the realization of the right to development, but it also acknowledged that national development efforts needed to be supported by an enabling international economic environment, as stated in the Monterrey Consensus. In its understanding human rights instruments addressed the obligations of a State to its citizens and not responsibilities or commitments between States.

45. The right to development had been extensively discussed at the Human Rights Council session in March 2007. The European Union had joined the consensus on draft resolution L.49 on the understanding that the work of the high-level task force and the Working Group on the Right to Development did not necessarily imply a process leading to an international standard of a binding nature. It regretted that its concerns had not been fully reflected in the draft resolution, which did not reflect Human Rights Council resolution 4/4. The European Union believed that the fulfilment of the right to development must evolve on a consensual basis, avoiding politicization, and must be based on the promotion of and respect for civil, political, economic, social and cultural rights. Even though it could not support the draft resolution, it reiterated its willingness to continue collaborating with the high-level task force and the Working Group on the Right to Development.

46. At the request of the representative of the United States of America, a recorded vote was taken on draft resolution A/C.3/62/L.49.

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Qatar, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Togo, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Moldova, Monaco, Montenegro, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey,

Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Vanuatu.

47. *Draft resolution A/C.3/62/L.49 was adopted by 121 to 52, with 1 abstention.*

48. **Mr. Suárez** (Colombia) said that his delegation had voted in favour of the resolution because it attached great importance to the right to development. His delegation understood that the reference to the United Nations Declaration on the Rights of Indigenous Peoples in paragraph 32 applied exclusively to rights in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security mentioned in that paragraph.

49. **Mr. Ashiki** (Japan) said that his delegation remained firmly committed to the right to development and understood the right to development to represent the right of each individual to pursue the development of his or her potential. It should not be considered the right of one State in relation to another State; it reflected the responsibility of each State in relation to its citizens. His delegation had voted against the resolution because it believed that it was inappropriate and counter-productive to establish a legally binding obligation between States on the right to development.

50. **The Chairman** suggested that, in accordance with General Assembly decision 55/488, the Committee should take note of the report of the Secretary-General on the right to development (A/62/183), the note by the Secretary-General transmitting the report of the independent expert on the effects of economic reform policies and foreign debt on the full enjoyment of all human rights (A/62/212), the note by the Secretary-General transmitting the report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (A/62/214), the note by the Secretary-General transmitting the report of the Special Rapporteur on the human rights of migrants (A/62/218), the note by the Secretary-General transmitting the interim report of the Special Rapporteur of the Human Rights Council on extrajudicial, summary or arbitrary executions (A/62/265), the report of the Secretary-General on national institutions for the promotion and protection of human rights (A/62/287), the report of the Secretary-General on the Khmer Rouge trials (A/62/304) and the note by the Secretary-General transmitting the report of the Special Rapporteur on the independence of judges and lawyers (A/62/207).

51. *It was so decided.*

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/62/213, 275, 313 and 354)

52. **The Chairman** suggested that, in accordance with General Assembly decision 55/488, the Committee should take note of the note by the Secretary-General transmitting the interim report of the independent expert on the situation of human rights in Burundi (A/62/213), the note by the Secretary-General transmitting the report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 (A/62/275), the note by the Secretary-General transmitting the report of the independent expert on the situation of human rights in the Democratic Republic of the Congo (A/62/313) and the note by the Secretary-General transmitting the report of the Special Rapporteur on the situation of human rights in the Sudan (A/62/354).

53. *It was so decided.*

(e) Convention on the Rights of Persons with Disabilities (*continued*) (A/62/230)

54. **The Chairman** suggested that, in accordance with General Assembly decision 55/488, the Committee should take note of the report of the Secretary-General on the status of the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto (A/62/230).

55. *It was so decided.*

56. **The Chairman** said the Committee had thus concluded its consideration of agenda item 70.

The meeting was suspended at 4.55 p.m. and resumed at 5.10 p.m.

Agenda item 68: Elimination of racism and racial discrimination (*continued*)

(b) Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

57. **The Chairman** said that he took it that the Committee, in accordance with General Assembly decision 55/488, wished to take note of the report of the Secretary-General on global efforts for the total elimination of racism, racial discrimination,

xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action (A/62/480).

58. *It was so decided.*

59. **Mr. Khane** (Secretary of the Committee) said that the Russian Federation had joined the sponsors of the draft resolution.

60. **Mr. Hayee** (Pakistan), speaking on behalf of the Group of 77 and China, said that, following several open informal consultations, the text of draft resolution A/C.3/62/L.65/Rev. 1 had been substantially changed as compared with the original A/C.3/62/L.65. He read out oral revisions to paragraphs 25, 35, 41 and 50 and 51, and indicated that paragraph 52 had been deleted and that paragraph 53 had been replaced by the wording "*Requests* the Secretary-General to allocate adequate funds from the regular budget of the United Nations, not covered in decision PC.1/12 of the Preparatory Committee, to facilitate the participation of all the relevant special procedures and mechanisms of the Human Rights Council in the meetings of the Preparatory Committee and the regional preparatory conferences". He hoped that the revisions would enable the draft resolution to garner maximum support. He noted that the General Assembly, in resolution 61/149, had decided to convene the Durban Review Conference within the framework of the General Assembly, and it was the understanding of the Group of 77 and China that, in the light of that decision, Member States had a responsibility to facilitate the holding of the Durban Review Conference. The Committee's decision on the draft resolution would reveal whether the international community had bridged the gap between rhetoric and reality in the elimination of racism and all forms of discrimination.

61. **Mr. Khane** (Secretary of the Committee) said that the programme budget implications contained in document A/C.3/62/L.90 applied notwithstanding the oral revisions read out by the representative of Pakistan. In addition, the Secretary-General wished to place on record the following oral statement in connection with draft resolution A/C.3/62/L.65/Rev. 1, in accordance with rule 153 of the rules of procedure of the General Assembly:

"Under the terms of operative paragraphs 38, 46, 50 as revised, 52, and 53 as revised of draft resolution A/C.3/62/L.65/Rev.1, the General Assembly would:

(i) request the Secretary-General to provide the necessary resources for the effective fulfilment of the mandates of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, the Working Group of Experts on People of African Descent and the Group of Independent Eminent Experts on the implementation of the Durban Declaration and Programme of Action;

(ii) request the Secretary-General to provide the Special Rapporteur with all the necessary human and financial assistance to carry out his mandate efficiently, effectively and expeditiously and to enable him to submit a report to the General Assembly at its sixty-third session;

(iii) welcome the report of the Preparatory Committee for the Durban Review Conference on its first organizational session and underline that the Preparatory Committee shall at its first substantive session, in accordance with its decision PC.1/14, discuss, inter alia, the organization of the work of the Durban Review Conference and other matters including the allocation of funding from the regular budget of the United Nations for the convening of the Durban Review Conference in 2009;

(iv) request the Secretary-General to allocate adequate funds from the regular budget of the United Nations not covered by or in decision PC.1/12 of the Preparatory Committee to facilitate the participation of all the relevant special procedures of the Human Rights Council in the meetings of the Preparatory Committee and the regional preparatory conferences.

With regard to operative paragraph 38 of draft resolution A/C.3/62/L.65/Rev.1, provisions have been made in the 2008-2009 proposed programme budget to support the bodies mentioned therein.

With regard to operative paragraphs 46, 50, 52, and 53, as revised, of draft resolution A/C.3/62/L.65/Rev.1, the programme budget implications of those paragraphs are similar to those contained in the statement of programme budget implications contained in A/C.3/62/L.90 before the Committee.

The Secretariat does not have sufficient time to submit a formal statement of programme implications to the Committee. As indicated in the statement of programme budget implications contained in A/C.3/62/L.90, it is expected that in the course of the sixty-second session of the General Assembly the Secretary-General will carry out consultations on the specifics of the preparations for the Durban Review Conference and regional preparatory meetings which are still under consideration. Therefore it is proposed that the full programme budget implications of draft resolutions A/C.3/62/L.65/Rev.1, as further orally revised, be addressed at the appropriate time when such consultations are completed.

The Secretariat reiterates that should the draft resolution be adopted by the General Assembly, it is estimated at this time that additional resources would arise with regard to conference services to be provided to the intersessional working group of the Preparatory Committee for the Durban Review Conference; the regional preparatory meetings; the holding of the first substantive session of the Preparatory Committee in April-May 2008, in line with decision PC.1/15 of the Preparatory Committee, as it represents a deviation from the terms of paragraph 2 of the Human Rights Council resolution 3/2, which decided that the Preparatory Committee would hold two substantive sessions of 10 working days each during 2007 and 2008 in Geneva.

The Secretariat also considers that other additional resources would arise particularly with regard to operative paragraphs 52 and 53 of the draft resolution, for the following: (i) additional support staff to service the Working Group; and (ii) travel and DSA of interpreters, the Secretariat support staff, the representatives from the least developed countries and representatives of NGOs.

As indicated in A/C.3/62/L.90, in accordance with established practice, the Secretary-General will carry out a full review of the implications of draft resolution A/C.3/62/L.65/Rev.1 and submit a detailed statement of programme budget implications to the General Assembly. The Secretary-General will recommend to the General Assembly at that time whether additional appropriations will be sought or the additional requirements can be met within the provisions proposed for the biennium 2008-2009.

The attention of the Committee is drawn to the provisions of section VI of General Assembly resolution 45/248 B of 21 December 1990, in which the Assembly reaffirmed that the Fifth Committee was the appropriate Main Committee of the Assembly entrusted with responsibilities for administrative and budgetary matters, and reaffirmed the role of the Advisory Committee on Administrative and Budgetary Questions."

62. **Mr. Hayee** (Pakistan) said that, based on the oral revisions he had read out, provisions of the oral statement of programme budget implications would have to be revised because paragraph 52 had been deleted from draft resolution A/C.3/62/L.65.

63. **Mr. Khane** (Secretary of the Committee) took note of the comment of the representative of Pakistan. He said that Saudi Arabia and Uzbekistan had been added to the sponsors of draft resolution A/C.3/62/L.65/Rev.1 as further orally revised.

64. **Mrs. Shahar** (Israel) said that her delegation was deeply alarmed by the increase in racially motivated violence throughout the world. Israel supported international efforts to eliminate all forms of racism, racial discrimination, anti-Semitism, xenophobia, and related intolerance. Those efforts, however, had sometimes been derailed by the political interests of certain Member States. During the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, some NGOs and Member State participants had levied slanderous, racist and hateful accusations against one State in a forum originally intended to combat racism and promote tolerance. Their harmful rhetoric and activities had not only contradicted the purpose of the Conference but had cast doubt on the potential value and merit of international conferences in eliminating hatred and

promoting a culture of tolerance and mutual understanding. In deviating from its original, stated purpose of shaping positive and innovative solutions, the conference had served to single out and demonize one single country. Her delegation, together with that of the United States, had withdrawn from the conference and continued to vote against any resolution that heralded Durban as an admirable display of international commitment to combating hatred and intolerance. Events during and after Durban and subsequent follow-up resolutions ignoring what had happened there had proved that Durban had been nothing but a sad display of racism and intolerance.

65. Draft resolution A/C.3/62/L.65 did not reflect any recognition that the Durban conference had failed to promote tolerance and eliminate racism. Consequently, her delegation was obliged to call for a vote on the draft resolution and would vote against it. Hopefully, in due time, the blunders of Durban would be rectified and international support for the elimination of racism and intolerance would be genuine, wholehearted and without exception. Israel would then be among the first to welcome any exchange of views, including criticism, and to join in the debate on a fair and equal basis.

66. **Mr. Rees** (United States of America) said that the United States, which had long been a party to the International Convention on the Elimination of All Forms of Racial Discrimination, opposed racism, racial discrimination, xenophobia and related intolerance, as demonstrated by its record of domestic legislation and policies vigorously combating such activities and attitudes. However, draft resolution A/C.3/62/L.65/Rev.1 endorsed the deeply flawed, divisive outcomes of the Durban Conference of 2001. Durban follow-up activities were duplicative of work done by the Committee on the Elimination of Racial Discrimination, the Human Rights Committee and the ILO Conventions addressing workers' rights. The Human Rights Council, rather than acting as a preparatory committee for the Durban Review Conference, should focus on the human rights situation in the world, especially emerging ones. The Secretary-General should not be asked to fund regional preparatory meetings that duplicated work already under way, and the Office of the High Commissioner for Human Rights should provide more substantial programming and cooperative assistance to combat racism rather than invest its valuable resources in conferences.

67. Each country should have a legal framework to protect individuals from discrimination and to preserve their other individual rights and fundamental freedoms, including freedom of expression, association and religion. States should focus on implementation of existing commitments rather than on the follow-up to flawed instruments or the creation of new instruments. The key elements in combating contemporary forms of racism were universal ratification and effective implementation of the existing Convention on the Elimination of All Forms of Racial Discrimination. Consequently, the United States would vote against resolution A/C.3/62/L.65/Rev.1.

68. **Ms. Carvalho** (Portugal), speaking in explanation of vote before the voting, on behalf of the European Union (EU), the candidate countries Croatia and the Former Yugoslav Republic of Macedonia, the stabilization and association process countries Albania, Bosnia and Herzegovina and Montenegro, and, in addition, the Republic of Moldova and Georgia, said that the European Union reaffirmed its full commitment to combating racism, racial discrimination, xenophobia and related intolerance. It had played an active role at the World Conference against Racism at Durban and had agreed on the final document of the Durban Conference as a global agenda against racism, and its Member States had since focused their efforts on the full implementation of the Durban Declaration and Programme of Action. The European Union had supported the convening in 2009 of a review conference on the understanding that the review would take place at a high-level meeting in the framework of the General Assembly and would focus on implementation of the Durban outcome without reopening any part thereof, and that its preparation by the Human Rights Council would not engender new mechanisms. The main value of the Durban Declaration and Programme of Action being their universality, their follow-up should preserve the broad consensus achieved at Durban.

69. However, two draft resolutions had been presented at the Human Rights Council contradicting the letter and spirit of that decision, and the European Union had been forced to vote against both. Still, after prolonged discussions, the Preparatory Committee had adopted 15 resolutions without a vote, including those on the objectives of the Review Conference.

Subsequently, three drafts had been submitted to the Human Rights Council inconsistent with the compromises reached by the Preparatory Committee, and the European Union had again had to vote against them. It was surprising that the Third Committee, having endorsed the Preparatory Committee decisions, was about to take action on a draft resolution which in part contradicted them. She recognized the sponsors' effort to accommodate the European Union proposals, but draft resolution A/C.3/62/L.65/Rev.1 changed the Preparatory Committee's agreement concerning the holding of international, regional and national meetings or other initiatives and contained language which could be construed as prejudging the special procedures review process under way at the Human Rights Council. Paragraphs dealing with budgetary arrangements for the Review Conference and preparatory process also contradicted Preparatory Committee decision 1/12. The agreement concerning financing of the preparatory process had been reopened and new language had been included seeking adequate funding from the United Nations regular budget for the Review Conference itself before a decision had been taken on its format, venue and duration, essential aspects to be determined before funding provisions were adopted. European Union proposals pursuing that aim and seeking to bring the text into line with previous agreements had not been incorporated. The full budget implications of draft resolution A/C.3/62/L.65/Rev.1, estimated at $7.2 million, would be addressed at the appropriate time, when consultations had been completed on the organizational arrangements, date and duration of the conference. The European Union further regretted that little time had been devoted to consultations, given the complexity of the text and the extensive process to which it referred. The European Union therefore wondered whether such efforts at compromise were worthwhile when they could be so easily undone, and entertained doubts as to whether some key players in the process were genuinely interested in keeping the Durban follow-up process on a consensus basis including all regions. Accordingly, the European Union would vote against draft resolution A/C.3/62/L.65/Rev.1.

70. **Mr. Margaran** (Armenia) said that, for his country, action to combat racism, racial discrimination, xenophobia and related intolerance had always been a high priority. Armenia had participated actively in the Durban Conference. It had supported plans for a review conference and participated in the Preparatory Committee. The only way for the process to succeed was through consensus decisions reflecting its universality. Unfortunately, differences had arisen during the negotiation, and draft resolution A/C.3/62/L.65/Rev.1 did not represent consensual decisions. While remaining firmly committed to combating racism, racial discrimination, xenophobia and related intolerance, and while encouraging all concerned to spare no effort in returning the process to a consensual basis, his delegation would abstain in the voting.

71. **Mr. Hayee** (Pakistan), speaking on a point of order, said that he wished to clarify that the Committee was voting on draft resolution A/C.3/62/L.65/Rev.1, which was substantially different from draft resolution A/C.3/62/L.65, which had been referred to by the representative of Portugal.

72. *A recorded vote was taken on draft resolution A/C.3/62/L.65/Rev.1, as orally revised.*

73. *Draft resolution A/C.3/62/L.65/Rev.1, as orally revised, was adopted by 119 to 45 with 6 abstentions.*

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Qatar, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sierra Leone, Singapore, South Africa, Sri Lanka, Sudan, Suriname, Swaziland,

Syrian Arab Republic, Thailand, Timor-Leste, Togo, Tunisia, Turkey, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Lithuania, Luxembourg, Malta, Moldova, Monaco, Montenegro, Netherlands, Poland, Portugal, Republic of Korea, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Armenia, Japan, Liechtenstein, New Zealand, Norway, Switzerland.

Agenda item 129: Programme planning

74. **The Chairman** said that agenda item 129 had been allocated to all Main Committees. In the case of the Third Committee, no action was required at the current session.

Agenda item 121: Revitalization of the work of the General Assembly

Programme of work of the Third Committee for the sixty-third session of the General Assembly (A/C.3/62/L.86)

75. **The Chairman** said he took it that the Committee wished to adopt the draft programme of work (A/C.3/62/L.86) and to transmit it to the plenary Assembly for approval.

76. *It was so decided.*

Completion of the Committee's work

77. After an exchange of courtesies, in which **Mr. Jesus** (Angola), **Ms. Booker** (Bahamas), **Mr. Guo** Jiakun (China), **Ms. Klopčič** (Slovenia), **Ms. Kreibich** (Germany), **Mr. Heller** (Mexico) and **Mr. Al-Saif** (Kuwait) spoke on behalf of regional groups of States, and **Mr. Rees** (United States of America) and **Ms. Cross** (United Kingdom) spoke, the Chairman declared that the Third Committee had completed its work for the first part of the sixty-second session.

The meeting rose at 6.40 p.m.